

EXHIBIT 1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
San Francisco, California

File No.: A 72 976 144

May 20, 2005

In the Matter of

YOUNG SUN SHIN,

Respondent

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)
)

IN REMOVAL PROCEEDINGS

CHARGE:

Section 237(a)(1)(A) - alien not in possession of valid immigration documents, and 237(a)(1)(B) - alien who remained in the United States for a time longer than permitted.

APPLICATIONS: None.

ON BEHALF OF RESPONDENT:

Alex Park, Esquire

ON BEHALF OF GOVERNMENT:

James Knapp, Esquire
Grace Chung, Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent, in this case, was served with a Notice to Appear on June 17, 2003, which alleged that she is not a citizen nor national of the United States but rather a native and citizen of Korea. The NTA further alleged that the respondent was admitted to the United States in June 1993 as a visitor for pleasure with authorization to remain for six months. Further, the NTA stated that in August of 1994, an INS officer caused an immigration record to be created showing that the respondent was adjusted to permanent resident status and an immigration form I-

551 (indiscernible) an alien card created but that these documents were illegally and factually baseless. That a form I-551, resident alien card, was in fact issued without legal or factual basis and that the respondent remained in the United States beyond the six month period of her visitor visa authorization without approval from INS.

Lastly, the NTA asserted that the respondent, at this time, does not possess valid documents allowing her to remain in the United States.

The respondent has admitted all the factual allegations of the Notice to Appear and conceded the first charge of removability, namely that she is not in possession of valid immigration documents and denied the charge that she remained in the United States for a time longer than permitted. The Government has submitted documents, including a form I-213 and a record of sworn statement, which indicate quite clearly that the respondent was admitted to the United States as a visitor, subsequently obtained a resident alien card as part of a criminal fraudulent scheme involving former INS employee Leland Dwayne Sista and other co-conspirators, and that the green card she was issued is not valid, and in addition, the documents show clearly that the only lawful basis the respondent had for presence in the United States was her visitor's visa, which expired in December of 1993.

Accordingly, the Court will sustain all the factual

allegations and both charges of removability contained in the Notice to Appear. The respondent, as noted above, is an individual who obtained her resident alien card as a result of a fraudulent scheme. There's no allegation by the Government, at this stage of the proceedings, that the respondent knowingly engaged in any fraudulent behavior. Rather, what happened in this case, as in several others pending before this Court is that Mr. Sistair between 1997 and 1998 entered into a criminal conspiracy with five Korean American individuals in northern California. As part of that conspiracy, Mr. Sistair's co-conspirators approached various individuals including the respondent and represented to the respondent that the co-conspirators could obtain resident alien cards because they worked with particularly skilled attorneys and other business professionals. Mr. Sistair's co-conspirators solicited monetary payments, which they represented to be attorney's fees and processing fees, and then shared those fees between themselves and Mr. Sistair. Rather than being attorney's fees and processing fees, the portion of the money that went to Mr. Sistair was in fact a bribe. And upon receipt of the bribe, Mr. Sistair, who was authorized in his position as a supervisory INS official, to order the issuance of green cards, in fact ordered a green card for among other people, this respondent. An INS Service Center processed a green card, and a legitimate identification number was issued for the green card. However,

Mr. Sistair testified under oath in this court and under oath in federal court subject to cross-examination that he did not, prior to ordering the issuance of the green cards with respect to any individuals involved in these cases including this respondent. He did not obtain proper documentation showing that the respondent was eligible for the green card, as issued. Nor did he conduct interviews as required by law, nor obtain identity documents and perform background checks, all required by statute and regulation before the issuance of the green card. In substance, Mr. Sistair used his authority or misused his authority to issue the green card simply because he had received a payment from his co-conspirators. Mr. Sistair eventually plead guilty to his involvement in the scheme.

And as noted above, testified in court against his co-conspirators, all of whom were convicted in federal court for their part in the scheme.

There is no doubt, looking at the extensive documentation in the record, which includes a list prepared by Mr. Sistair of the numbers associated with the fraudulently issued green cards and that list includes the number on the respondent's green card. There is no doubt looking at all that documentation and considering also Mr. Sistair's testimony before this Court, which the Court found to be entirely forthright and credible, that this respondent is not and has never been in possession of a valid resident alien card.

FTB,

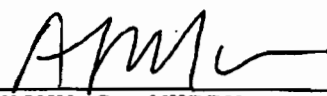
That really is the essence of the charge in the Notice to Appear and the only material issue before this Court. And the Court finds that the respondent is not in possession and has not been in possession of a valid resident alien card.

Respondent has made no applications for relief. She has, however, raised the legal issue asserting that DHS should be estopped from removing her because Mr. Sistair, as an agent of the Government, engaged in affirmative misconduct and the Government's hands are unclean in this removal proceeding.

For purposes of this proceeding, it suffices to say that this Court, being a creature of statute and regulation with powers limited by the statutes and regulations has no authority under law to estop the Government from going forward with these removal proceedings. And the only issue that the Court is empowered to decide is whether the respondent has valid Immigration documents. And if not, adjudicate any applications for relief.

As noted above, the respondent does not have valid documents. She is not applying for any form of relief. And accordingly, the respondent will be ordered removed to South Korea.

Appeal has been reserved for the respondent.


 ANTHONY S. MURRY
 Immigration Judge

Department of Homeland Security
 Executive Office for Immigration Review
 Immigration Court
 San Francisco, California
 DEC - 8 2005

CERTIFICATE FILE

I hereby certify that the attached proceeding before
ANTHONY S. MURRY, in the matter of:

YOUNG SUN SHIN

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San Francisco, California

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Ferdinand Basilio
Ferdinand Basilio (Transcriber)

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November 14, 2005
(Completion Date)